

1 KEITH A. JACOBY, Bar No. 150233
LITTLER MENDELSON
2 A Professional Corporation
2049 Century Park East
3 5th Floor
Los Angeles, CA 90067.3107
4 Telephone: 310.553.0308

5 MICHELLE B. HEVERLY, Bar No. 178660
ERICA H. KELLEY, Bar No. 221702
6 LITTLER MENDELSON
A Professional Corporation
7 50 W. San Fernando Street, 15th Floor
San Jose, CA 95113-2431
8

9 Attorneys for Defendant
FEDEX FREIGHT, INC.
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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 ROY D. TAYLOR, ARLETHA FLUD,
15 THOMAS J. WOOD, ERNEST C.
HARVEY, II, individually, and on behalf
16 of all other similarly situated,,

17 Plaintiff,

18 v.

19 FEDEX FREIGHT, INC., an Arkansas
Corporation, and DOES 1 through 20,
20 inclusive,

21 Defendant.
22

Case No. 5:10-CV-02118 LHK

**JOINT STIPULATION AND
PROPOSED ORDER REGARDING
IN-PERSON MEDIATION SESSION
TO BE HELD AFTER DISPOSTIVE
MOTIONS**

23 WHEREAS, the parties have previously mediated this case on two occasions, most
24 recently on February 17, 2011, before private mediator Lisa Klerman;

25 WHEREAS, the parties were unsuccessful in settling the matter at the time of the
26 mediation, but have continued to have discussions through Ms. Klerman regarding resolution of the
27 case; and
28

1 WHEREAS, the parties agree that any settlement discussions will be more productive
 2 after the proposed dispositive motions (cross motions for summary judgment/adjudication and
 3 Defendant's motion for decertification) have been filed and heard;

4 WHEREAS, at the Case Management Conference hearing held on March 2, 2011,
 5 this Court ordered that the parties continue settlement discussions and that they attend another in-
 6 person mediation session following motion practice;

7 WHEREAS, the parties agree that they will participate in telephonic medication
 8 discussions through Ms. Klerman after the filing of the aforementioned motions;

9 WHEREAS, the parties agree that they will attend an in-person mediation following
 10 the hearing on those motions, which the parties agreed to set for June 7, 2011.

11 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and
 12 between Plaintiffs Roy Taylor, Arletha Flud, Thomas Wood and Ernest Harvey and Defendant
 13 FedEx Freight, Inc., through their respective counsel, and subject to approval by the Court, that the
 14 date for the in-person mediation be set for June 7, 2011. The parties and Ms. Klerman are available
 15 on this date.

16 Dated: March 9, 2011

17 _____
 18 /s/
 19 MICHELLE B. HEVERLY
 20 LITTLER MENDELSON
 A Professional Corporation
 Attorneys for Defendant
 FEDEX FREIGHT WEST, INC.

21 Dated: March 9, 2011

22 _____
 23 /s/
 24 JAMES ASHWORTH
 25 LAW OFFICES OF MARY ALICE
 26 COLEMAN
 Attorneys for Plaintiffs

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ORDER

The Court having reviewed the foregoing joint stipulation, IT IS HEREBY
ORDERED as follows:

The in-person mediation of the above captioned case shall be held on June 7, 2011.

Dated: March 11, 2011

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HONORABLE LUCY KOH